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YOUNG, VOGL, HARLICK & WILSON

ATTORNEYS AT LAW

425 CALIFORNIA STREET, SUITE 2500  
SAN FRANCISCO, CALIFORNIA 94104

FAX (415) 291-1984  
(415) 291-1970

MAR 23 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

March 22, 1995

DOCKET FILE COPY ORIGINAL

18806-25.1

Hon. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: PR Docket No. 94-105: Ex Parte Letters

Dear Mr. Caton:

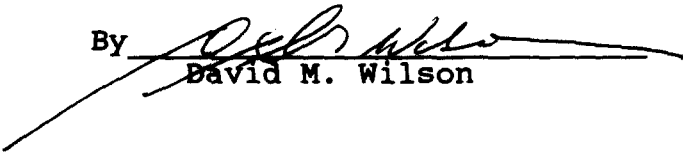
Our office has had four letters hand-delivered to the offices of Chairman Reed Hundt, and Commissioners Ness, Barrett, and Quello. The letters are all dated March 22, 1995, and were addressed to issues raised in ex parte letters from Daniel William Fessler to Chairman Hundt and Commissioners Ness and Barrett, all dated March 8, 1995.

In accordance with C.F.R. Section 1.1206(a)(1), two copies of the attached letters are hereby submitted to your office.

Sincerely,

YOUNG, VOGL, HARLICK & WILSON

By

  
David M. Wilson

DMW:bmh

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OFFICE OF SECRETARY

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(415) 291-1970

March 22, 1995

18806-21.1  
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The Hon. Reed Hundt  
Chairman  
Federal Communications Commission  
1919 'M' Street, N.W., Suite 814  
Washington, D.C. 20554

Re: PR Docket No. 94-105 (Ex Parte Letters  
From California Public Utilities Commission)

Dear Chairman Hundt:

This office is counsel of record for the Los Angeles Cellular Telephone Company ("L.A. Cellular") in connection with the above matter. We have been provided with copies of letters dated March 8, 1995, addressed to you and Commissioners Ness and Barrett, from President Fessler of the California Public Utilities Commission ("CPUC"). The letters refer to a statement made by the CPUC "which does not square with the facts". Indeed, the statement -- that a reseller switch test was imminent -- had no basis in fact.

Unfortunately, in correcting one misstatement, the March 8 letters make additional assertions which are equally unfactual. L.A. Cellular is the carrier which has been ordered by the CPUC to negotiate terms and conditions for a test of the reseller "switch". L.A. Cellular was not even aware of the request for a test until a Pre-hearing Conference on January 11, 1995. Eight days later (without any briefs having been filed or arguments made), the assigned Administrative Law Judge ordered L.A. Cellular to meet and confer with the resellers with regard to exchanging confidential information and proceeding with the negotiations.

Since then, L.A. Cellular and the resellers have assiduously pursued the goals of the ALJ's January 19 Order. The "meet and confer" session occurred on January 27. L.A. Cellular responded to outstanding data requests on February 1. There was an all-day meeting of personnel representing the resellers, L.A. Cellular, and Ericsson on February 21. The resellers submitted a written,

The Hon. Reed Hundt  
March 22, 1995  
Page 2

revised test proposal on March 3. L.A. Cellular responded to this proposal on March 20.

None of this accords with President Fessler's statement that "the cellular duopolist and the resellers in Los Angeles are still negotiating over issues of 'confidentiality'" -- in fact there are no such disputes on the table. Nor is there any "impasse" requiring the CPUC to intervene, much less to "order that the test be concluded in May." Indeed, the May date appears infeasible according to Ericsson Radio Systems, Inc., the vendor/consultant which has been engaged by both parties to supervise the provisioning and conduct the test.

For reasons explained in its Reply Comments of March 3, L.A. Cellular does not believe that the reseller switch proposal is even relevant to the rate regulation question which is now before the FCC. L.A. Cellular is doubly disappointed that the CPUC has further confused matters with a barely concealed suggestion that L.A. Cellular has deliberately stalled a project which was not even suggested to it until January 11. Hopefully, this letter will set matters straight.

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**March 22, 1995**

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The Hon. Susan Ness  
Commissioner  
Federal Communications Commission  
1919 'M' Street, N.W., Suite 832  
Washington, D.C. 20554

Re: PR Docket No. 94-105 (Ex Parte Letters  
From California Public Utilities Commission)

Dear Commissioner Ness:

This office is counsel of record for the Los Angeles Cellular Telephone Company ("L.A. Cellular") in connection with the above matter. We have been provided with copies of letters dated March 8, 1995, addressed to you and Commissioner Barrett, as well as Chairman Hundt from President Fessler of the California Public Utilities Commission ("CPUC"). The letters refer to a statement made by the CPUC "which does not square with the facts". Indeed, the statement -- that a reseller switch test was imminent -- had no basis in fact.

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The Hon. Susan Ness  
March 22, 1995  
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FAX (415) 291-1984  
(415) 291-1970

March 22, 1995

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The Hon. Andrew Barrett  
Commissioner  
Federal Communications Commission  
1919 'M' Street, N.W., Suite 826  
Washington, D.C. 20554

Re: PR Docket No. 94-105 (Ex Parte Letters  
From California Public Utilities Commission)

Dear Commissioner Barrett:

This office is counsel of record for the Los Angeles Cellular Telephone Company ("L.A. Cellular") in connection with the above matter. We have been provided with copies of letters dated March 8, 1995, addressed to you and Commissioner Ness, as well as Chairman Hundt from President Fessler of the California Public Utilities Commission ("CPUC"). The letters refer to a statement made by the CPUC "which does not square with the facts". Indeed, the statement -- that a reseller switch test was imminent -- had no basis in fact.

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The Hon. Andrew Barrett  
March 22, 1995  
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March 22, 1995

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The Hon. James H. Quello  
Commissioner  
Federal Communications Commission  
1919 'M' Street, N.W., Suite 802  
Washington, D.C. 20554

Re: PR Docket No. 94-105 (Ex Parte Letters  
From California Public Utilities Commission)

Dear Commissioner Quello:

This office is counsel of record for the Los Angeles Cellular Telephone Company ("L.A. Cellular") in connection with the above matter. We have been provided with copies of letters dated March 8, 1995, addressed to Commissioners Ness and Barrett, as well as Chairman Hundt from President Fessler of the California Public Utilities Commission ("CPUC"). The letters refer to a statement made by the CPUC "which does not square with the facts". Indeed, the statement -- that a reseller switch test was imminent -- had no basis in fact.

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March 22, 1995  
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